

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

RUSSELL J. ARCHIBALD  
Plaintiff,

V.

MEL MARTINEZ, SECRETARY OF THE)  
U.S. DEPARTMENT OF HOUSING AND)  
URBAN DEVELOPMENT, )  
Defendant. )

Docket No. 04-CV-10503-MEL

**RULE 16.1 STATEMENT**

Defendant in this action submits the following Statement pursuant to Local Rule 16.1 and the Court's Order. Defendant states that the undersigned counsel made several attempts to confer with the *pro se* Plaintiff before filing this Statement but was unsuccessful in obtaining the information needed to file the Statement jointly.

1. Proposed Discovery Plan:

- a. Automatic disclosure statements shall be served on or before September 22, 2006;
- b. Any Amendments pursuant to Fed. R. Civ. P. 15 shall be made by October 23, 2006;
- c. All discovery shall be completed by March 22, 2007;
- d. A final pretrial conference shall be scheduled after decisions are rendered on a motion for summary judgment.

2. **Number of Depositions.** Defendant intends to depose plaintiff and any witnesses he identifies as to his damages. The defendant may depose any fact witnesses that are no longer employees of the defendant. Since no discovery has yet occurred, the Defendant cannot identify possible deponents with greater specificity at this time.

3. **Consent to Trial By Magistrate.** Defendant does not consent to a trial by Magistrate in this case.

4. **Proposed Schedule for Motions.** All dispositive motions are to be filed by May 22, 2007; and any oppositions to such motions are to be filed within thirty days of receipt of the motion.

5. **Designation of Experts**

- a. Expert witnesses shall be identified by the parties by January 22, 2007.
- b. If necessary, the opposing party shall have an additional thirty days after the designation of the expert in which to designate its own expert.
- c. If necessary, expert interrogatories shall be served and/or expert depositions taken within forty-five days following the opposing party's disclosure of expert witnesses.

6. **Final Pre-Trial Conference** The Final Pretrial Conference will be scheduled by the Court following all hearings on dispositive motions.

Respectfully submitted,

MEL MARTINEZ, SECRETARY OF THE  
U.S. DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT,

By his Attorneys,

MICHAEL J. SULLIVAN  
United States Attorney

/s/ Damian W. Wilmot  
Damian W. Wilmot  
Assistant U.S. Attorney  
1 Courthouse Way, Suite 9200  
Boston, MA 02110  
(617) 748-3398

**CERTIFICATE OF SERVICE**

Suffolk, ss.

Boston, Massachusetts  
August 18, 2006

I certify that I caused a copy of the foregoing Statement to be served on Plaintiff Russell J. Archibald, 4 Norwich Drive, Johnston, RI 02919, by first class mail, postage pre-paid.

/s/ Damian W. Wilmot  
DAMIAN W. WILMOT  
Assistant U.S. Attorney